

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 530 be amended to read as follows:

- 1 Page 2, after line 34, begin a new paragraph and insert:
- 2 "SECTION 2. IC 1-3-2.5 IS ADDED TO THE INDIANA CODE AS
- 3 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON**
- 4 **PASSAGE]:**
- 5 **Chapter 2.5. Public Question on Certain Township Mergers**
- 6 **Sec. 1. This chapter applies only to the following:**
- 7 (1) A township in a county having a population of more than
- 8 forty-five thousand (45,000) but less than forty-five thousand
- 9 nine hundred (45,900).
- 10 (2) A township in a county having a population of more than
- 11 two hundred thousand (200,000) but less than three hundred
- 12 thousand (300,000).
- 13 **Sec. 2. As used in this chapter, "former township government"**
- 14 **means a township government that merged with at least one (1)**
- 15 **other township government under this chapter.**
- 16 **Sec. 3. As used in this chapter, "new township government"**
- 17 **means the township government that results from the merger of**
- 18 **township governments under this chapter.**
- 19 **Sec. 4. (a) Except as provided in subsection (b):**
- 20 (1) a township described in section 1(1) of this chapter; and
- 21 (2) a township described in section 1(2) of this chapter;
- 22 may merge if the townships are contiguous.
- 23 (b) Townships may not merge if the merger would decrease the
- 24 area of any county below four hundred (400) square miles in

1 compliance with Article 15, Section 7 of the Constitution of the
2 State of Indiana.

3 Sec. 5. (a) Not later than July 1, 2009, the county executive of
4 each county having a township proposing to merge under this
5 chapter must adopt identical resolutions that:

6 (1) approve the proposed merger; and

7 (2) state which county would incorporate the new township,
8 if the merger is approved in a public question under section 8
9 of this chapter.

10 (b) Not later than July 1, 2009, the township legislative body of
11 each township proposing to merge must adopt identical resolutions
12 approving the proposed merger.

13 Sec. 6. (a) If the requirements of section 5 of this chapter are
14 met, the following public question shall be placed on the ballot at
15 a special election held in November 2009 in each township
16 proposing to merge:

17 "Shall (insert the name of the township) merge with (insert
18 the name of the township) and be a part of (insert the name of
19 the county)?".

20 (b) Each township shall pay the costs of holding the special
21 election in the township.

22 Sec. 7. IC 3, except where inconsistent with this chapter, applies
23 to a public question placed on the ballot under this chapter.

24 Sec. 8. (a) If a majority of the voters in each of the townships
25 who vote on the public question vote in favor of merging the
26 townships, the merger takes effect January 1, 2011.

27 (b) If a majority of the voters in each of the townships vote in
28 favor of the merger, the county executive:

29 (1) of each county shall enter an order declaring their
30 boundaries to be changed consistent with the resolutions
31 adopted under section 5(a) of this chapter; and

32 (2) of the county that received territory in the transfer shall
33 adopt revised descriptions of:

34 (A) county commissioner districts under IC 36-2-2-4; and

35 (B) county council districts under IC 36-2-3-4;

36 so that the transferred territory is assigned to at least one (1)
37 county commissioner district and at least one (1) county council
38 district.

39 (c) The executive of each county shall file a copy of the order
40 described in subsection (b)(1) with:

41 (1) the office of the secretary of state;

42 (2) the circuit court clerk of the county;

43 (3) the state board of accounts; and

44 (4) the department of local government finance.

45 (d) An order made under subsection b(1) operates to transfer
46 the detached territory, and all persons and property in that
47 territory, to the jurisdiction of the county to which it is attached

for all judicial purposes, either civil or criminal.

Sec. 9. IC 36-2-1-4 through IC 36-2-1-10 apply to a county that merges townships under this chapter.

Sec. 10. On January 1, 2011:

(1) the former township governments are abolished as separate entities;

(2) the former township governments are merged into the new township government;

(3) the territory of the new township government includes all the territory that comprised the territories of the former township governments before the merger;

(4) the departments and agencies of the former township governments are abolished;

(5) the functions of the abolished departments and agencies are transferred and assigned to departments and agencies of the new township government;

(6) the:

(A) property;

(B) money;

(C) records;

(D) rights; and

(E) liabilities;

of the former township governments are transferred to and assumed by the new township government; and

(7) any bonds and other indebtedness of, or assumed by, the former township governments are transferred to and assumed by the new township government.

Sec. 11. After the merger of townships under this chapter, the following apply for purposes of all state and federal licensing and regulatory laws, statutory entitlements, gifts, grants-in-aid, governmental loans, or other governmental assistance under state or federal statutes, rules, or regulations:

(1) The entire geographic area and population of a new township government formed in a merger under this chapter shall be used when calculating and determining the distribution basis for the following:

(A) State or federal government statutory entitlements.

(B) Gifts.

(C) Grants-in-aid.

(D) Loans.

(E) Any form of governmental assistance that is not listed in this subdivision.

(2) Following a public hearing for which notice is published in accordance with IC 5-3-1 at least thirty (30) days before the public hearing takes place, the executive of the new township government shall determine and designate to the appropriate state or federal agency the:

- 1 (A) geographic areas;
- 2 (B) parts of roads;
- 3 (C) segments of population; or
- 4 (D) combinations of the items listed in clauses (A) through
- 5 (C);
- 6 that constitute rural or urban areas, roads, or populations, if
- 7 this designation was previously required of any township that
- 8 merges under this chapter.

9 **Sec. 12. On January 1, 2011, the following occur:**

- 10 (1) The resolutions, rules, and bylaws of each of the former
- 11 township governments:
- 12 (A) remain in force within the territory to which they
- 13 applied before the merger; and
- 14 (B) continue in force;
- 15 until amended or repealed by the legislative body or an
- 16 administrative body (as appropriate) of the new township
- 17 government.
- 18 (2) Pending actions that involve any former township
- 19 government shall be prosecuted to final judgment and
- 20 execution, and judgments rendered in those actions may be
- 21 executed and enforced against the new township government
- 22 without any change of the name of the plaintiff or defendant.

23 **Sec. 13. (a) On January 1, 2011, all money in the funds of each**
 24 **of the former township governments is transferred to the new**
 25 **township government. The new township government:**

- 26 (1) shall deposit the money in its funds that most closely
- 27 correspond to the funds of the former township governments;
- 28 and
- 29 (2) may use the money to pay the new township government's
- 30 operational and capital costs.

31 (b) A new township government is entitled to receive all
 32 distributions of taxes and other revenue that would have been
 33 made to the former township governments if the merger had not
 34 occurred. The new township government shall deposit the money
 35 in the new township government's funds that correspond most
 36 closely to the funds of the former township governments into which
 37 the taxes or other revenue would have been deposited if the merger
 38 had not occurred.

39 **Sec. 14. The department of local government finance shall:**

- 40 (1) set and adjust the budget, tax rate, and tax levy of the new
- 41 township government; and
- 42 (2) take any other actions;
- 43 as necessary after a merger under this chapter.

44 **Sec. 15. (a) The initial election for the township trustee and the**
 45 **township board of the new township shall be the November 2010**
 46 **general election.**

- 47 (b) The term of office of the township trustee and township

board of the new township begins January 1, 2011.

Sec. 16. After the November 2010 general election and before January 1, 2011, the township trustees and township boards of the former township governments shall cooperate and work with the township trustee and township board of the new township to provide for the proper transition of their duties and responsibilities to the new township government.

Sec. 17. The term of office of a township trustee and township board member of a former township government that merges under this chapter is terminated January 1, 2011.

SECTION 2. IC 36-6-6-2.1, AS ADDED BY P.L.240-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) This section applies if township governments merge under IC 36-6-1.5 **or IC 1-3-2.5.**

(b) If two (2) township governments merge, the resulting merged township government shall elect a three (3) member township board. The voters of the resulting merged township government shall elect all the members of the township board. One (1) member must reside within the boundaries of each of the township governments that merged.

(c) If at least three (3) township governments merge, the resulting merged township government shall elect a township board that has the same number of members as the number of township governments that merged. The voters of the resulting merged township shall elect all the members of the township board. One (1) township board member must reside within the boundaries of each of the townships that merged.

SECTION 3. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsections (b) and (c), two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5 **or IC 1-3-2.5**; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum.

If a township board has an even number of members, the township

1 executive shall serve as an ex officio member of the township board for
2 the purpose of casting the deciding vote to break a tie.

3 SECTION 4. **An emergency is declared for this act."**

4 Renumber all SECTIONS consecutively.

(Reference is to ESB 530 as printed April 10, 2009.)

Representative Walorski